

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
555 12TH STREET, SUITE 650
OAKLAND CALIFORNIA 94607-3627

BARRY J. PORTMAN
Federal Public Defender

Telephone (510) 637-3500
Fax (510) 637-3507

December 28, 2007

VIA FACSIMILE (510) 637-3545
Magistrate Judge Wayne D. Brazil
1301 Clay Street, Courtroom No. 4
Oakland, CA 94612
attn: Ivy Garcia

United States v. John Emanuel Ferron, CR 4-07-70757 WDB
RE: Request to Continue Status Date from Jan 3, 2008 to Jan 4, 2008

Dear Judge Brazil :

Mr. Ferron made his initial appearance on December 20, 2007, before Your Honor in a Rule 5 case out of Anchorage, Alaska. The matter was continued first to December 28, 2008, at 9:30 a.m. before Judge LaPorte and then to January 3, 2008, at 10:00 a.m. before Your Honor. I am writing to ask that the matter be continued one more day from January 3, 2008, to January 4, 2008, at 10:00 a.m. before Your Honor for status. The reason for the additional day is because I am now unavailable on January 3, 2008, and would like to be present for Mr. Ferron's appearance. Mr. Ferron's case is complicated because of the immigration consequences and the fact that a detainer has been placed upon him. I am continuing to investigate the immigration and other matters. In addition, Mr. Ferron would agree to exclude time under the Speedy Trial Act for effective preparation taking into account due diligence.

Finally, Mr. Ferron is aware that he has a right to a detention hearing within 3 days of his initial appearance as well as to an identity hearing. Mr. Ferron is willing to waive these rights so that I can properly research and investigate the issues and then advise him accordingly. I have received a message from AUSA Andrew Huang and he is available on January 4, 2008, at 10:00 a.m. should the Court continue the matter to that date.

Sincerely,

BARRY J. PORTMAN
Federal Public Defender
/S/

JOYCE LEAVITT
Assistant Federal Public Defender

cc: Andrew Huang, AUSA
US Pretrial Services